

21 C.J.S. Courts § 217

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

3. Extent of Precedential Effect of Decision

§ 217. Extending scope of decisions

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Courts are generally not required to extend the scope of the previous decisions.

In applying the rule of stare decisis, courts are not required to extend the scope of previous decisions on constitutional questions.¹ Even though a court adopts a rule established by a line of decisions on a given question, it does not necessarily follow that it must carry that rule to its logical conclusion if the parties occupy different relations to the subject matter and to each other.²

General expressions, in every judicial opinion, are to be taken in connection with the case in which those expressions are used, and if they go beyond the case, they may be respected but ought not to control the judgment in a later suit when the very point is presented for decision.³ The doctrine of stare decisis does not require the United States Supreme Court to adhere to a broad reading of its prior decision that has been adopted by many courts when blind adherence to a broad reading would authorize myriad unconstitutional results.⁴ Similarly, although a state court is bound to follow the United States Supreme Court's interpretation of the Federal Constitution,⁵ it is not bound to extend the decisions to areas that they did not purport to address or specifically disavowed addressing, to find a state law unconstitutional, especially if settled state law would thereby be overturned.⁶

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Footnotes

- 1 U.S.—*City of Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. 416, 103 S. Ct. 2481, 76 L. Ed. 2d 687 (1983) (overruled on other grounds by, *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 112 S. Ct. 2791, 120 L. Ed. 2d 674 (1992)); *Thomas v. Washington Gas Light Co.*, 448 U.S. 261, 100 S. Ct. 2647, 65 L. Ed. 2d 757 (1980); *Oregon ex rel. State Land Bd. v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 97 S. Ct. 582, 50 L. Ed. 2d 550 (1977).
- N.Y.—*Higby v. Mahoney*, 48 N.Y.2d 15, 421 N.Y.S.2d 35, 396 N.E.2d 183 (1979).
- Va.—*Vasquez v. Com.*, 291 Va. 232, 781 S.E.2d 920 (2016).
- 2 Tex.—*Thompson v. First State Bank of Amarillo*, 189 S.W. 116 (Tex. Civ. App. Amarillo 1916), writ granted, (May 16, 1917) and *aff'd*, 109 Tex. 419, 211 S.W. 977 (1919).
- 3 U.S.—*Arkansas Game and Fish Com'n v. U.S.*, 133 S. Ct. 511, 184 L. Ed. 2d 417 (2012).
- 4 U.S.—*Arizona v. Gant*, 556 U.S. 332, 129 S. Ct. 1710, 173 L. Ed. 2d 485, 47 A.L.R. Fed. 2d 657 (2009).
- 5 § 210.
- 6 Ill.—*People v. Wagener*, 196 Ill. 2d 269, 256 Ill. Dec. 550, 752 N.E.2d 430 (2001).

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